

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 200 Pupils

TITLE: Searches

ADOPTED: April 27, 1981

REVISED: February 15, 2018

226 SEARCHES

Purpose

The School Reform Commission acknowledges the need to respect the rights of students to be free from unreasonable searches and seizures while fulfilling the District's interest in protecting and preserving the health, safety and welfare of the school population, enforcing rules of conduct, and maintaining an appropriate atmosphere conducive to learning.

Authority

School officials have the authority to lawfully search students or their belongings, including lockers, automobiles, electronic devices, purses, backpacks, clothing, and other possessions, without a warrant, when in school, on school grounds or when otherwise under school supervision, if there is a reasonable suspicion that the place or thing to be searched contains prohibited contraband, material that would pose a threat to the health, safety and welfare of the school population, or evidence that there has been a violation of the law, SRC policy, or school rules. The scope and extent of searches must be reasonable in relation to the nature of the suspected evidence, contraband or dangerous material and to the grounds for suspecting that it may be found in the place or thing being searched.[1][2][3].

When school officials have reasonable suspicion to believe that a student's electronic device contains material of a sexual nature, school officials shall not search those electronic devices for the material, but instead shall confiscate the electronic device, must notify the authorities to investigate the incident, and maintain the electronic device securely under lock and key until returned to the student or submitted to the authorities.

The District has a compelling interest in protecting and preserving the health, safety and welfare of the school population, which under certain circumstances may warrant general or random searches of students and their lockers, vehicles or other belongings without individualized suspicion, for the purpose of finding or preventing entry onto school property of controlled substances, weapons or other dangerous materials. [4][5][6]

Delegation of Responsibility

The SRC authorizes the administration to conduct searches of students or their belongings, including lockers, automobiles, electronic devices, purses, backpacks, clothing, and other possessions in accordance with the standards set forth in this policy and administrative procedures.

The Superintendent or designee, in consultation with the Office of General Counsel, shall develop guidelines and administrative procedures to implement this policy, and shall ensure that school staff who are involved in carrying out searches or determining when searches will be conducted receive appropriate periodic training about such procedures and currently applicable legal standards.[2]

Students, parents/guardians and staff shall be notified at least annually, or more often if deemed appropriate by administration, about the standards and procedures in effect pursuant to this policy and administrative procedures.

Legal References:

1. PA Const. Art. I Sec. 8
2. 22 PA Code 12.14
3. U.S. Const. Amend. IV
4. Pol. 218.1 - Weapons
5. Pol. 223 - Use of Bicycles and Motor Vehicles
6. Pol. 227 - Controlled Substances/Paraphernalia
7. Pol. 805.1 - Relations With Law Enforcement Agencies

Related Information:

- 24 P.S. 510
- Philadelphia Home Rule Charter - 12-300
- Commonwealth v. Cass, 551 Pa. 25, 709 A.2d 350, 355-56 (1998)
- In re F.B., 555 Pa. 661, 726 A.2d 361, 368 (1999)
- Safford Unified School Dist. No. 1 v. Redding, 129 S.Ct. 2633 (U.S. 2009)